

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

THE NATIONAL FEDERATION
OF THE BLIND,

*

*

Plaintiff

*

v.

* CIVIL NO. GJH-18-2965

*

U.S. ABILITYONE,
COMMISSION, et al.,

*

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Defendants

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**DEFENDANTS' MOTION TO DISMISS,
OR ALTERNATIVELY, FOR SUMMARY JUDGMENT**

In accordance with Rules 12(b)(1), 12(b)(6) and 56(a) of the Federal Rules of Civil Procedure and Local Rule 105.1, the Defendants, the United States AbilityOne Commission, Thomas D. Robinson, Chairperson of the AbilityOne Commission, and Tina Ballard, Executive Director of AbilityOne Commission, by their attorneys, Robert K. Hur, United States Attorney for the District of Maryland, and undersigned counsel, hereby moves the Court to issue an Order granting the Defendants' motion to dismiss, or alternatively, for summary judgment on all four counts of the plaintiff's complaint and also on plaintiff's separate motion for a preliminary injunction. The bases supportive of the Defendants' motion are set forth in the attached memorandum.

WHEREFORE, the Defendants respectfully request that this Court grant the Defendants' motion to dismiss, or alternatively, for summary judgment on plaintiff's complaint and deny plaintiff's motion for a preliminary injunction.

Respectfully submitted,

ROBERT K. HUR
United States Attorney

By: /s/
TARRA DeSHIELDS
Assistant United States Attorney
General Bar No. 07749

Office of the United States Attorney
36 South Charles Street
Fourth Floor
Baltimore, Maryland 21201
(410) 209-4800

Counsel for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of February, 2019, a copy of the foregoing Defendant's Motion to Dismiss, Or Alternatively, For Summary Judgment was electronically filed and was thus so served upon Eve L. Hill and Emily L. Levenson, BROWN GOLDSTEIN & LEVY, LLP, 120 East Baltimore Street, Suite 1700, Baltimore, Maryland 21202 and one copy of the Certified Administrative Record will be filed with the Court and is pending

mailing, postage prepaid, to plaintiff's counsel by February 15, 2019.

/s/
TARRA DeSHIELDS
Assistant United States Attorney

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ORDER

Having read and considered the Defendants' Motion to Dismiss, or Alternatively, for Summary Judgment on the Plaintiff's complaint for a declaratory judgment and the separate motion for a preliminary injunction, and all other pleadings submitted thereto, it is this ____ day of ____, 2019 by the United States District Court for the District of Maryland, hereby **ORDERED** that:

1. The Defendant's Motion to Dismiss, or alternatively, for Summary Judgment shall be, and hereby is, **GRANTED** on all counts of the plaintiff's complaint; and
2. The Defendants' Motion to Dismiss, or alternatively, for Summary Judgment shall be, and hereby is, **GRANTED** as to the plaintiff's motion for a preliminary injunction; and
3. The Clerk of the Court shall remit copies of this ORDER

to all parties and their respective counsel of record, if any.

George J. Hazel
United States District Judge